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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		
INTERNATIONAL APPLICATION NO. PCT/US03/12556	INTERNATIONAL FILING DATE 21 April 2003	ATTORNEY'S DOCKET NUMBER 564462004201
U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/511,875		
PRIORITY DATE CLAIMED 19 April 2002		
TITLE OF INVENTION PHOSPHOLIPASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM		
APPLICANT(S) FOR DO/EO/US Svetlana GRAMATIKOVA et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))        a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> has been communicated by the International Bureau.        c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))        a. <input type="checkbox"/> is attached hereto.        b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))        a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> have been communicated by the International Bureau.        c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.        d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (2 pages)</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. (Supplemental ) (3 pages)</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. (1 CD)</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

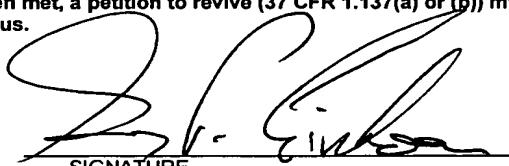
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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<p>20. <input checked="" type="checkbox"/> Other items or information: Copy of Notification of Missing Requirements (2 pages); Petition for 4 Month Extension of Time Under 37 CFR 1.136(a) (1 page); Petition Under CFR 1.47(a) requesting Oath/Declaration be accepted without signature of uncooperative co-inventor Svetlana GRAMATIKOVA (3 pages); w/ Declaration of Lynn LINKOWSKI (3 pages) w/ Exhibits A-E (26 pages); Response to Notice to File Missing Requirements (3 pages); Statement to Support Filing and Submission (2 pages); Paper Sequence Listing (79 pages); Return Receipt Postcard</p>																																																																																																		
<table border="1"> <thead> <tr> <th colspan="2">The following fees have been submitted</th> <th>CALCULATIONS</th> <th>PTO USEONLY</th> </tr> </thead> <tbody> <tr> <td colspan="2">21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2">22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2">23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 21, 22 and 23 =</b></td> <td><b>\$ 0.00</b></td> <td></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td></td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250.00</td> </tr> <tr> <td colspan="2">Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$ 130.00</td> <td></td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td colspan="2">+</td> </tr> <tr> <td colspan="2">Petition Fee for 4 Month Extension of Time Under 37 CFR 1.136(a)</td> <td>\$ 1,590.00</td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td><b>\$ 1,720.00</b></td> <td></td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.</td> <td>860.00</td> <td></td> </tr> <tr> <td colspan="2"><b>SUBTOTAL =</b></td> <td><b>\$ 860.00</b></td> <td></td> </tr> <tr> <td colspan="2">Petition Fee Under 37 CFR 1.17(g) for Petition filed Under 37 CFR 1.47(a)</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td colspan="2">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL NATIONAL FEE =</b></td> <td><b>\$ 1,060.00</b></td> <td></td> </tr> <tr> <td colspan="2">Fee for recording the enclosed assignment (37 CFR 1.21(h)). 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- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 03-1952 in the amount of \$ 1,060.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ . A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.



SIGNATURE

## SEND ALL CORRESPONDENCE TO:

Gregory P. Einhorn  
 Morrison & Foerster LLP  
 3811 Valley Centre Drive, Suite 500  
 San Diego, CA 92130  
 (858) 720-5133

Gregory P. Einhorn

NAME

CUSTOMER NUMBER: 4597538,440

REGISTRATION NUMBER

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 391878258 US, in an envelope addressed to: MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 18, 2005

Signature: Norman Green (Norman Green)

PATENT  
Docket No. 564462004201

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EV 391 878 258 US

Date of Deposit: October 18, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail PostOffice to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Norman Green

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Svetlana GRAMATIKOVA et al.

Application No.:10/511,875

Confirmation No.: 6587

International Filing Date: April 21, 2003

Art Unit: Not Yet Assigned

For: PHOSPHOLIPASES, NUCLEIC ACIDS  
ENCODING THEM AND METHODS FOR  
MAKING AND USING THEM

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice to File Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US), mailed April 18, 2005, for which a response is due on June 18, 2005. Accordingly, this response is timely filed.

Please enter the following Sequence Listing and remarks.

In the Sequence Listing:

Please insert the attached paper copy of the Sequence Listing (pages 1-79) after the Abstract in the above-mentioned application. A computer readable form copy (labeled "CRF") of the Sequence Listing accompanies this response.

## R E M A R K S

The undersigned hereby states that the computer readable form copy (labeled "CRF") of the Sequence Listing and the paper copy of the Sequence Listing (pages 1-79), submitted in accordance with 37 C.F.R. § 1.825(a) and (b), respectively, are the same and contain no new matter. Accordingly, entry of the Sequence Listing into the above-captioned case is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **564462004201**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: October 18, 2005

By:

Respectfully submitted,

Gregory P. Einhorn  
Registration No. 38,440

Morrison & Foerster LLP  
3811 Valley Centre Dr.,  
Suite 500  
San Diego, CA 92130-2332  
Telephone: (858) 720-5133  
Facsimile: (858) 720-5125



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,875	Svetlana Gramatikova	564462004201
		INTERNATIONAL APPLICATION NO.
		PCT/US03/12556
I.A. FILING DATE	PRIORITY DATE	
04/21/2003	04/19/2002	
CONFIRMATION NO. 6587		
371 FORMALITIES LETTER		
 *OC000000015759528*		

Date Mailed: 04/18/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/19/2004
- Copy of the International Search Report filed on 10/19/2004
- Information Disclosure Statements filed on 02/22/2004
- U.S. Basic National Fees filed on 10/19/2004
- Priority Documents filed on 10/19/2004

DOCKETED: See Data Due  
 DUE DATE: 10-18-05  
 FINAL DUE DATE: 11-18-05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the

written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

---

Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,875	PCT/US03/12556	564462004201